

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1108

AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-13-2-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.7. "Aggressive driving", for purposes of IC 9-21-8-55, has the meaning set forth in IC 9-21-8-55(b).**

SECTION 2. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 55. (a) This section does not apply to a law enforcement official engaged in the law enforcement official's official duties.**

**(b) For purposes of this section, a person engages in aggressive driving if, during one (1) episode of continuous driving of a vehicle, the person does or commits at least three (3) of the following:**

- (1) Following a vehicle too closely in violation of IC 9-21-8-14.**
- (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.**
- (3) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.**
- (4) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.**
- (5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.**
- (6) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.**

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(7) Failure to obey a traffic control device in violation of IC 9-21-8-41.

(8) Driving at an unsafe speed in violation of IC 9-21-5.

(9) Repeatedly flashing the vehicle's headlights.

(c) A person who, with the intent to harass or intimidate a person in another vehicle, knowingly or intentionally engages in aggressive driving commits aggressive driving, a Class A misdemeanor.

SECTION 3. IC 35-42-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this section, "hazing" means forcing or requiring another person:

(1) with or without the consent of the other person; and

(2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.

(b) A person who recklessly, knowingly, or intentionally performs:

(1) an act that creates a substantial risk of bodily injury to another person; or

(2) hazing;

commits criminal recklessness. Except as provided in subsection (c), criminal recklessness is a Class B misdemeanor.

(c) The offense of criminal recklessness as defined in subsection (b) is:

(1) a Class A misdemeanor if the conduct includes the use of a vehicle;

(2) a Class D felony if:

(A) it is committed while armed with a deadly weapon; or

**(B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in serious bodily injury to another person; or**

(3) a Class C felony if:

(A) it is committed by shooting a firearm ~~from a vehicle~~ into an inhabited dwelling or other building or place where people are likely to gather; or

**(B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in the death of another person.**

(d) A person who recklessly, knowingly, or intentionally:

(1) inflicts serious bodily injury on another person; or

(2) performs hazing that results in serious bodily injury to a person;

commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

(e) A person, other than a person who has committed an offense

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under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

- (1) makes a report of hazing in good faith;
- (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
- (3) employs a reporting or participating person described in subdivision (1) or (2); or
- (4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(f) A person described in subsection (e)(1) or (e)(2) is presumed to act in good faith.

(g) A person described in subsection (e)(1) or (e)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

- (1) an offense under this section; or
- (2) a delinquent act that would be an offense under this section if the offender was an adult.

**SECTION 4. [EFFECTIVE JULY 1, 2006] IC 9-21-8-55, as added by this act, and IC 35-42-2-2, as amended by this act, apply only to offenses committed after June 30, 2006.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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